

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED UNDER SEAL

In Re: SPECIAL COUNSEL INVESTIGATION)

Case Nos. 04-MS-407 (TFH)

04-MS-460 (TFH)

04-MS-461 (TFH)

JOINT REQUEST FOR SCHEDULING CONFERENCE

New York Times reporter Judith Miller, *Time Magazine* reporter Matthew Cooper, and Time Inc., through undersigned counsel, respectfully jointly request a scheduling conference in the above-captioned case. We were informed this morning that the Supreme Court has denied petitions for certiorari filed by Ms. Miller, Mr. Cooper, and Time Inc. The purpose of the requested scheduling conference is to address, in a deliberate and orderly fashion, issues relative to the timing, briefing, and means by which this matter may be handled further by this Court once the mandate issues from the U.S. Court of Appeals. That mandate has been stayed by order dated April 27, 2005, pending Supreme Court review.

This Court's finding of contempt was entered on October 7, 2004 as to Ms. Miller, and on October 13, 2004 as to Mr. Cooper and Time, Inc. Given the passage of time since then, and the presence of facts that may be pertinent to either those findings or whether "suitable" confinement is now appropriate (and if so what form it should take), we believe it is appropriate to discuss at a scheduling conference a reasonable briefing schedule for submittals to the Court on these issues. The scheduling conference sought here also would provide the forum to set a date for a hearing at which time relevant legal arguments and information, including personal and medical considerations, could be formally presented to the Court for consideration.

WHEREFORE, we respectfully request that the Court grant our request for a scheduling conference. We respectfully request that the conference be held on Wednesday, June 29, 2005, or at the Court's convenience. An appropriate order to this effect is attached.

Dated: June 27, 2005

Respectfully submitted,

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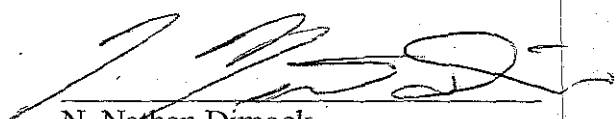
CERTIFICATE OF SERVICE

I, N. Nathan Dimock hereby certify that a true and correct copy of the foregoing Joint Request for Scheduling Conference was this 27th day of June, 2005, filed by and with the Court and served by causing a true and correct copy to be delivered by facsimile and by first-class mail, postage prepaid to the following:

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ORDER

Upon consideration of Judith Miller, Matthew Cooper and Time Inc.'s Joint Request for Scheduling Conference, it is hereby **ORDERED** that counsel and the Court will convene in chambers on _____, 2005 at ____ o'clock. It is further **ORDERED** that Ms. Miller and Mr. Cooper will remain on bail and that the payment of a fine by Time Inc. will remain stayed until the Court orders otherwise.

SO ORDERED.

June ____, 2005.

Thomas F. Hogan
Chief Judge